

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MIGUEL GUARDADO,

Plaintiff,

-against-

MEMORANDUM AND ORDER
01-CV-4298 (JS) (MLO)

NASSAU COUNTY CORRECTION FACILITY,
SERGEANT JOSEPH BERGEN, CORRECTIONS
OFFICER HENRY REGNIER, and
CORRECTIONS OFFICER EDWARD VELASQUEZ,

Defendants.

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APPEARANCES:

For Plaintiff: Miguel Guardado, pro se
No. 00-A-0498
Adirondack Correctional Facility
Box 110
Ray Brook, New York 12977

Arturo G. Quintana, Esq.
1600 Islip Avenue
Brentwood, New York 11717

For Defendant: Liora M. Ben-Sorek, Esq.
Nassau County Attorney's Office
One West Street
Mineola, New York 11501


SEYBERT, District Judge:

The United States Court of Appeals for the Second Circuit remanded this case to this Court on December 21, 2005 (No. 05-0497-cv) ("Remand Order"). In the Remand Order, the Second Circuit vacated this Court's Order dated December 21, 2004 granting Defendants' motion for summary judgment.

In accordance with the Remand Order, the Court instructs the Clerk of the Court to appoint new counsel to Plaintiff and remove Mr. Quintana as Plaintiff's present counsel. Such new

counsel will then respond to Defendants' June 16, 2004 motion for summary judgment. New counsel will also address Defendants' arguments concerning Plaintiff's failure to exhaust available administrative remedies as well as Defendants' claims that no genuine issues of material fact remain on the merits of Plaintiff's suit. Furthermore, if any Rule 56.1 Counter-Statement needs to be filed, new counsel shall prepare and file one accordingly.

SO ORDERED.

 **JOANNA SEYBERT**
Joanna Seybert, U.S.D.J.

Dated: Central Islip, New York
May 10, 2006